

SKETCH OF COURT ROOM, BECKER AND HIS COUNSEL



Mr. McIntyre was many times overruled. He kept the stenographer extra busy entering exceptions to the Justice's decisions. The questions of neither of the principal attorneys indicated that race or religion played a part in selecting the jury. Mr. Whitman was particularly, however, in asking talesmen if they belonged to any secret order or society.

The first day's session was a measure of the public interest in the trial of a police officer accused by gamblers of ordering a murder to conceal his grafting. Attracted by the presence of not only Lieut. Becker but of the six others accused as principals in the murder, Lefty Louie Rosenberg, Gyp the Blood Horowitz, Whitey Lewis (Muller), Dago Frank Cirofici, William Shapiro and Jack Sullivan, a crowd flowed toward the Criminal Branch of the Supreme Court in the Criminal Court Building in Centre street and taxed the good nature of policemen and court attendants. There was, however, no disorder.

The authority of Justice Goff, reaching through the corridors, checked turbulence. There was one unpleasant incident in the streets of which the Justice himself was the victim. On his way to the courtroom he was pursued and badgered by a company of leaping, shouting photographers. One of these would have been arrested if Justice Goff could have laid hands on him. Understanding that many of these photographers have no connection with newspapers, the Justice contemplated writing a letter to the Police Commissioner asking for efficient protection of witnesses and others who resent having their pictures taken.

21 Grand Jurors Selected.

Part of the business of the first session of the extraordinary term of the Supreme Court was the selection of a Grand Jury which will investigate all phases of the Rosenthal case. Twenty-one were obtained from the panel of fifty. The foreman is Thomas C. Wood of 801 Lexington avenue, whose place of business is at 81 West street. Among the members of the Grand Jury is Joseph I. Straus, a son of Isidor Straus, who was lost in the Titanic disaster.

The juror also is a nephew of Oscar S. Straus, Progressive candidate for Governor. Mr. Straus is a partner in R. H. Macy & Co. Others of the Grand Jury are Charles de L. Orléans of 772 Park avenue and Robert E. Phillips. Justice Goff convened court at 10:35 A. M. The Grand Jury panel of fifty was called immediately and District Attorney Whitman took up the case for examination to determine the fitness of talesmen for service. The process of selection was not difficult. Many were excused for one reason or another, but little before 2 P. M. twenty-one had been chosen from the forty-six present. It may be that the court can complete the Grand Jury from those absent yesterday. The full number allowed by law is twenty-three, but twenty-one is a legal number. The jurors were dismissed until October 21.

It was exactly 1:02 P. M. when Clerk Penny called the case of Lieut. Charles Becker and all of the defendants were ordered to the bar. The court room was very quiet as the heavy bodied, heavily jawed lieutenant came up a side aisle leading the procession of indicted men. He was dressed entirely in black, even to the four-in-hand scarf worn in the low collar that exposed his full muscular neck. His clothes were neatly pressed. He had been shaved in the morning. There was, outwardly, no marked change from the Becker who was arrested and taken to the Tombs on the night of July 29. A certain grimness of expression and immobility of face characterized him as formerly. He approached the railing erectly and with long strides, throwing glances this way and that over the crowd. His glances found the reason he sought. His wife, who sat well forward. He smiled slightly, nodded just perceptibly and passed on and she waved smilingly.

Other Accused Men Follow.

The others in the train of accused murderers followed closely, shuffling their feet. Jack Sullivan, thinned by confinement, distributed grins and carried himself with an air of jaunty confidence. In line, regarded the crowd gloomily. The four gangsters drooped their shoulders, shot sidelong glances and appeared to be more at ease when their hands finally clasped the rail.

Mr. McIntyre got up in Becker's defense from the group of Becker counsel and tested the District Attorney's purpose by inquiring whether he had any motion that Becker be tried separately. Mr. Whitman, who appeared with Assistant District Attorney Frank Moss, his principal aid in the trial, and Deputy Assistant District Attorneys Rubin and Colman, replied that Becker's separate trial was first in order. Mr. McIntyre, whose aim, it appeared, was to have the trial of at least one other defendant, preferably Jack Sullivan, coupled with Becker's, objected vigorously, but Justice Goff granted the District Attorney's motion.

Then Mr. McIntyre tried to get a delay of a week on the ground that John W. Hart, his principal witness, was too ill to appear in court for at least that long. Mr. Hart, he argued, had been gathering facts which were solely in his possession, and without him the prosecution was seriously handicapped. Mr. Hart became ill last Saturday and the illness had taken a serious turn, so much so that the lawyer said. Mr. McIntyre offered to produce the certificate and his own affidavit. He said that Hart's presence in court was particularly desired because Hart had been making up the report of the trial. The District Attorney didn't question the good faith of the motion for delay, but he called attention to the fact that all of the witnesses were ready and had seen no reason for putting off the trial. Justice Goff, leaning slightly forward so as to survey the three Becker counsel at the table, said again: "How many counsel are retained by the defendant?"

"There are four," replied Mr. McIntyre. Mr. Hart, Mr. George J. Whiteside, Mr. Lloyd Stryker and myself. "You," said the Justice, with the faintest of smiles, "are a host in yourself, Mr. McIntyre." Becker's chief counsel poured forth complaint and objection. Loudly and with swinging arms he maintained that his client could not get a fair trial under such conditions. Circumstances had arisen, he protested, which would deprive Lieut. Becker of a fair trial. He was stopped abruptly by the Justice, but his heavy voice overrode Justice Goff's mild tones. "Will you indulge me for an instant longer?" he persisted.

Trial Must Go On.

"No, sir," said Justice Goff crisply. "I deny your motion. Let the examination of talesmen begin."

Mr. McIntyre, apparently in a rage, burst out with: "Are we to be forced to this trial in the face of the unwarranted statement circulated by the District Attorney that the murder of Jack Zelig was a loss to the prosecution? He knows that Zelig would have testified nothing in favor of the prosecution, but on the contrary."

"Stop, stop," Justice Goff commanded, but his voice was lost in another explosive protest by McIntyre.

"I tell you," said Justice Goff sternly, "this is a court of justice. Let us understand each other at the commencement. We shall proceed in an orderly manner with the regular course of justice."

"All the talesmen," he added to Clerk Penny. "But the regular course of justice has been interrupted," shouted the militant Mr. McIntyre. "Are we to be deprived of our right to be heard?"

"Mr. McIntyre," said the Justice softly, "I shall deprive the court room of your presence if you continue this. I shall direct an officer to remove you." The lawyer sat down suddenly, mopping his forehead.

Becker's sharp, black eyes turned back

and forth between his counsel and Justice Goff. Mr. McIntyre's associate, Mr. Whiteside, offered motions to dismiss the indictment. Rather prolix in argument his remarks were short by the Justice, who pressed him for a plain recital of the grounds submitted. These were that the defendant's constitutional rights had been violated by requiring his counsel John W. Hart to testify before the Grand Jury. The Justice overruled this motion and another which was a challenge of the panel.

No further efforts to block the trial were made and the main business of the day, getting a jury, began with the examination of Talesman Philip Herrlich, a real estate broker of 158 East Ninety-first street. Just previously all the men under indictment save Becker were taken back to the Tombs. Becker sat throughout at the counsel table and directly facing the Judge's dais.

Was Tenderloin Policeman.

It turned out that Herrlich was a policeman in the Tenderloin twenty years ago, under Lieut. Schmittberger and Capt. McLaughlin and Aleck Williams. The questions asked him were adhered to in the main in the examination of succeeding talesmen.

These questions were as to whether or not he was acquainted with any of the lawyers in the Rosenthal case, any of the District Attorney's staff, any policemen, including Becker, any of the Grand Jurors that indicted Becker or any of the men under indictment. The talesman who said he had formed no opinion as to Becker's guilt or innocence. He said he was willing to accept from the Justice instructions that a conviction for murder cannot be had on the testimony of accomplices.

After Mr. McIntyre had ascertained that Herrlich was married and had two children, he declined to challenge. The District Attorney challenged peremptorily. This ended the morning session.

Not Keen to Be Jurors.

In the afternoon session, beginning at 2:30 o'clock, Harvey L. Biow, a bookkeeper of 8 West Twenty-seventh street, and who lives at 615 West Thirty-sixth street, was disqualified because he said he had made up his mind so strongly that evidence could change it. It is in common with some others, Mr. Biow did not seem keen for service on a murder case jury.

In addition to the usual questions, Robert R. McEwen of 303 East Thirtieth street was asked if he knew anybody connected with the *Morning Telegraph*. Some talesmen were asked if they knew Bat Masterson, who under a fuller name, William Barclay Masterson, is vice-president of the company that publishes the *Telegraph*.

McEwen was promptly removed by the defense's peremptory challenge. John Elliott of 246 Grand Avenue, The Bronx, the fourth talesman questioned, said he knew Harford T. Marshall, Jack Sullivan's counsel, well and often took dinner with him. He had such a strong opinion about Becker that he was promptly dismissed by the Justice.

Halley Corwin Challenged.

The ninth talesman was Halley Corwin, one celebrated as a Broadway actor and the husband for a brief time of Roberta Monges of Sheephead Bay. Corwin works now in a moving picture show at Broadway and Forty-eighth street. He had an opinion "which could hardly be changed." The District Attorney challenged for cause.

The tenth talesman impressed both sides favorably from the start. He was Harold B. Skinner, a tall, well built young man with a firm, smooth face and regular features. He had a strong opinion as to Becker's guilt or innocence but, he said, his opinion could be changed by evidence. It had been gained from newspaper and magazine reports. Mr. Stryker asked numerous questions which were brushed aside by Justice Goff and the young lawyer seemed at times to be at a loss as to how to proceed. Mr. McIntyre, however, kept the reins, and after a short conference with Becker announced that he would not challenge. Mr. Whitman was equally satisfied with the talesman, so Mr. Skinner was sworn and, after defendant had looked upon juror and juror upon defendant, took No. 1 seat in the jury box. He had an ample reservation for the rest of the afternoon. It had taken more than three hours and a half to get one juror.

E. Harold Fischer of 509 East 124th street electrified Becker's lawyers and Becker with the statement that he had formed an opinion "on account of the actions of counsel" for the defense. He did not particularize and was excused after a brief examination.

Henry W. Strauss of 729 St. Nicholas avenue pleaded poor health with a tendency to headaches. Justice Goff would not excuse him on that account, but the District Attorney saw cause for a peremptory challenge. Sidney New of 12 Eighty-eighth street and Howard C. Russ of 52 West 188th street were excused neither pleading counsel for the defense. Mr. Russ said that he generally believed what he read in the newspapers because he had found that newspaper men tried to get things straight. It was well after 6 o'clock when the



JOHN F. MCINTYRE.

LIEUT. BECKER.

fourteenth talesman was excused. Justice Goff warned counsel that they might expect night sessions if a jury wasn't ready by this evening. Then he adjourned court until 10:30 o'clock this morning.

WEBBER GIVES ALL TO WIFE.

She Now Has Power to Open His Deposit Box.

Bridgey Webber, one of District Attorney Whitman's witnesses, on the eve of his appearing to testify at the trial of Lieut. Becker yesterday gave to his wife, Pearl Webber, the power of attorney which included access to his safe deposit box in the Harriman Night and Day Safe Deposit vaults at 227 Fifth avenue.

Early in the forenoon yesterday Webber sent out for Harry F. Kiernan, a notary public of 304 West Fifty-fourth street, and had him brought to the topmost tier of the West Side jail where he has been living in ease for some time past. Mrs. Webber was present.

The notary drew up the necessary legal formula while over at a window in another corner of the room Sam Schepps and Jack Rose were fondling one of Rose's two small children.

The prisoner volunteered no reason or motive for his action.

SELECT 21 GRAND JURORS.

Retired Broker Foreman of Rosenthal Case Investigator.

The Rosenthal case Grand Jury obtained yesterday, and of which Justice Goff designated Thomas C. Wood as foreman, was selected in the following order:

RHODES, BENJAMIN N., coffee merchant, 202 West Seventy-fourth street; place of business, 104 Front street. NILES, ARTHUR L., broker, 315 West Eighty-eighth street; place of business, 6 Wall street. McKENNA, JOHN H., builder, 74 West Ninety-sixth street; place of business, 206 East Thirty-seventh street. BERRIAN, JOHN A., broker, Spuyten Duyvil; place of business, 81 New street. HUNT, CHARLES WARREN, secretary, 121 West Eighty-eighth street; place of

business, 220 West Fifty-seventh street. STRAUS, JESSE I., merchant, 49 East Seventy-fourth street; place of business, Macy's store. ACHILLIS, JOHN, merchant, 16 West Sixty-third street; place of business, 100 Union Square East. MCINTYRE, GEORGE B., builder, 166 West Ninety-third street; place of business, 40 Greenwich street. OELRICHS, DE L. CHARLES, 77 2 Park avenue.

HOLT, ROWLAND, publisher, 44 East Seventy-eighth street; place of business, 35 West Thirty-second street. KLEE, SIMON, tailor, 2 West Eighty-first street; place of business, 42 Leonard street.

BLUM, ALFRED, importer, 614 West 157th street. FARRELL, THOMAS F., coal merchant, 147 West Ninety-third street; place of business, 145 Barrow street.

KILGORE, GEORGE E., real estate, 171 West Seventy-first street; place of business, 120 Broadway.

MURPHY, JAMES J., salesman, 120 West Fifty-fifth street; place of business, 88 Washington street.

BOND, ALFRED H., agent, 21 East Sixty-sixth street; place of business, 17 West Thirtieth street.

STAATS, J. HENRY, civil engineer, 30 West Fifty-fourth street; place of business, 29 Broadway.

CLARK, SAMUEL A., 129 East Fortieth street; place of business, 114 Liberty street. BLACKALL, FREDERICK T., president Hotel Knickerbocker; place of business, 114 Broadway.

CLARK, SAMUEL J., insurance, 309 West 103rd street; place of business, 51 Wall street. WOOD, THOMAS C., retired broker, 81 Lexington avenue; business address, 51 New street.

SHOT BY MASKED ROBBER.

East New York Bartender Resisted Demand of Three for Money.

Michael Sparacino, 26 years old, of 665 Sheffield avenue, East New York, a bartender for Charles Block who has a saloon at Malta street and New Lots road, East New York, was shot in the jaw by one of three masked men, who entered the place early this morning. He is seriously wounded and may die. The weapon belonged to Block and was lying behind the bar. Sparacino attempted to use it when the intruders demanded money, but it was taken from him. He got another revolver and then the man who had taken the first one shot him. The trio escaped.

Block's safe was blown open three weeks ago and \$300 in cash taken.

JEROME BAXTER MISSING.

Daughter Returns and Finds Him Gone From Home.

Miss Florence Baxter of 210 East Seventeenth street, reported to Police Headquarters last night the disappearance of her father, Jerome Baxter, a retired business man, 68 years old. He has been missing since Saturday.

Miss Baxter said she spent the week end out of town. When she returned her father was gone. He had been in the habit of taking long walks. She feared he had met with an mishap on one of these excursions. A general alarm for Baxter was sent out. He is described as 5 feet 5 inches in height and was dressed in a gray suit and hat and had a gray beard and mustache.

INDICTED WOMAN MAY BE ONE IN BOMB CASE

White Slave Defendant Said to Have Been With Grace Walker.

Important Witness Gone.

Olivette Leonard's Hearing Is Postponed Until Missing Person Is Found.

Olivette Leonard, who figured in the Grace Walker bomb case last February, is said to be the woman charged with being a white slaver whose case was postponed yesterday.

Assistant United States Attorney Walker said that one of the principal witnesses had been spirited away.

The woman was indicted under the name of Olive Leonard, alias Bessie Rogers, alias Bessie McCormack.

Agents have been looking for the missing witness since last Thursday. The woman was arrested in July and charged with transporting a foreign born girl of 18 years from New York to Atlantic City.

Mr. Walker did not give the witness's name. He intimated that the witness had been spirited away by interested persons. Judge Mayer postponed the case indefinitely.

Mr. Walker after court refused to tell more about his case, nor would he say just what Olivette Leonard, indicted for white slavery, had to do with Grace Walker, killed by a bomb.

Grace Walker, who lived in a flat in West Seventy-seventh street, was talking to Charles M. Dickinson, secretary to Chief Engineer Edwards of the United States Motor Company, on February 3 when the woman answered a knock at the rear door and was handed a package by some one who has not been found. She opened the package in the room in which Dickinson sat and it exploded, killing her and injuring Dickinson slightly.

Olivette Leonard's presence in Mrs. Walker's flat had caused the arrest and conviction of Mrs. Walker for running an evil resort. Olivette Leonard was found in the Magdalen Home, where she had been sent for being wayward. She was held for a time as a witness, but the police could not solve the mystery and she was discharged.

Mr. Walker refused to add to the details of the present case. "To do so would be to defeat the ends of justice," he said. "I will admit, however, that we have a strong suspicion that we can connect Olivette Leonard with the bomb case."

He said that he believed that at the time he would be able to show a possible motive for the Grace Walker murder.

Mr. Walker denied that the Federal Grand Jury is making a sweeping inquiry into the interstate white slave traffic.

ZELIG WANTED TO KNOW WHAT SCHEPPS HAD TOLD

Friends of Gyp the Blood and His Mates Say It Was in Their Interest.

HAD \$500 WHEN KILLED?

Wahle Sure of It, and Hints It Was for Election Purposes.

When Big Jack Zelig, who was murdered on a second avenue street car on Saturday night by Boston Phil Davidson, was buried yesterday in Washington Cemetery, Brooklyn, Jack Sirocco, himself a gang leader and enemy of Zelig, said: "There goes a guy who won't be in the movies at the Becker trial."

Zelig would not have been called by Mr. Whitman on the direct case against Becker. He was not under subpoena by the prosecution, although Becker's lawyers had subpoenaed him. The District Attorney had not subpoenaed Zelig because Zelig was under \$10,000 bail and could be reached as a witness at any time.

If the defense had not called Zelig the District Attorney would have called him in rebuttal to back up certain testimony of the prosecution, for instance that of Sam Schepps that it was Zelig who got the men to kill Rosenthal.

Zelig's friends said yesterday that he would not have been a witness for the prosecution. Bernard Sandler, counsel for Schepps, said he met Zelig in a Broadway restaurant at Franklin street on last Wednesday. Zelig was apparently anxious to find out what Schepps had testified to before the Grand Jury.

Jacob Sandler, who has a small coffee house in Broomfield street and from whom Davidson says he borrowed \$10 on Saturday, denied yesterday that he had given any money to Davidson. This knocks out part of Davidson's story of how he got the money with which to go to Jersey City and buy in a pawnshop the revolver with which he killed Zelig.

The friends of Gyp the Blood Horowitz, Lefty Louie, Whitey Lewis and Dago Frank said yesterday that Zelig was working in their interests when he tried to find out what Schepps had testified to before the Grand Jury. This letter to Gyp the Blood from Zelig, which was mailed on Saturday, was made public yesterday:

NEW YORK CITY, October 5, 1912. Harry Horowitz, Tombs Prison, New York City.

Dear Pal, Gyp—You received and was more than pleased to hear from you. I want you and the boys to keep writing to me, as it cheers me up, and you can imagine how I feel when I hear from you boys. Gyp, another thing, your innocence will be proven and what a grand time we will have on that day. Gyp, you tell Frank to take that Dago idea out of his mind as he will listen to you as you know one another better than I do. Somebody has been telling him that I don't give a damn for him because he's a dog. Well, old pal, I want to hear from you often. It seems to be the hardest thing in the world to get to the bond. Cheer up, old boy; everything will turn up for the best. Your Pal till the end.

Best wishes to the boys. JACK. Ex-Magistrate Wahle, who was counsel for Zelig, said yesterday that he had been unable to find any motive for the killing of Zelig. Wahle said he was sure that not more than fifteen minutes before Zelig was killed \$500 had been given to him. Wahle said he knew the name of the man who gave it.

The money was not found on Zelig. Some of his friends say that perhaps a politician might be able to explain that the \$500 had been given to Zelig in connection with election work.

Police Commissioner Dougherty by Deputy Police Commissioner McGowan, on February 3 when the woman answered a knock at the rear door and was handed a package by some one who has not been found. She opened the package in the room in which Dickinson sat and it exploded, killing her and injuring Dickinson slightly.

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have been made to get away after the killing. The funeral of Zelig was held from his home at 186 Broomfield street. It was scheduled for 10 o'clock in the morning, but it was three hours later before it started for the Williamsburg Bridge. Meanwhile members of East Side gangs clogged the street. Members of the Paul Kelly Association rubbed elbows with followers of Jack Sirocco.

At the door of the Zelig home stood three of his friends. You had to be known to get into the house. Uptairs were his widow, mother and father. There were plenty of policemen, in uniform and street clothes, in the street. They followed the funeral procession across the Williamsburg bridge to the cemetery. Rabbi Adolf conducted the funeral services.

The inquest into the killing of Zelig will be held by Coroner Holtzhauser tomorrow morning. There will be a special police guard for Davidson. Letters have been received by the Coroner and the District Attorney's office indicating that women friends of Zelig may attempt to kill Davidson in the courtroom.

Deputy Police Commissioner Dougherty sent out a police lieutenant last night to investigate the story that Zelig had \$500 when he was shot by Davidson. The lieutenant talked with Dr. Hawkins, who took Zelig's body to Bellevue, and the physician told him that when he got to Fourteenth street and Second avenue on Saturday night he found Policeman Knox in charge of the body.

Some one had taken Zelig's coat off and it was lying across his chest. There were many policemen at the side of the body, keeping back the crowd. Dr. Hawkins, Policeman Knox and the driver put Zelig and his coat into the ambulance and Knox rode with Dr. Hawkins. The ambulance body was searched, but only \$2 was found in the pockets, according to the information obtained by the lieutenant.

SMOKES CIGARETTES BUT MAY KEEP HER BOY

Referee Leslie Says Mrs. Pope, the Actress, Is Woman of Highest Character.

If a report made yesterday by Warren Leslie as referee is confirmed, Mrs. Sybil Thorne Pope, who divorced Richard Van Wyck Thorne and married Charles H. Pope, a cotton goods broker, after his wife's divorce, will have the custody of her eight-year-old son, Richard Van Wyck Thorne, Jr., in spite of her former husband's contention that she is not a proper person to have the boy because she is an actress and smokes cigarettes.

Referee Leslie decided that even if Mrs. Pope is an actress she is a woman of the highest and most estimable character, and said that while she does smoke cigarettes the use of cigarettes by women is no longer regarded as objectionable in many circles.

Richard Van Wyck Thorne, who is an investment broker, was divorced by his wife four years ago and at that time the custody of their young son was awarded to Mrs. Thorne. Subsequently Mrs. Thorne went abroad to meet and marry Charles H. Pope and during her absence she permitted her former husband to have the boy, since Mr. Thorne boarded with his former wife's mother and sister in Mount Vernon. The boy had been with them for three years when in March last he went to visit his mother at 35 East Thirtieth street, and Mrs. Pope kept the boy with her.

Thorne sued out a writ of habeas corpus to recover possession of the boy, and alleged that he needed country air and that the marital atmosphere of Mrs. Pope's home was improper for him. He also said that Pope gave Mrs. Thorne \$500 while the latter was suing for a divorce, but Pope denied this.

After Mr. Leslie was appointed referee he decided to hear the case. In the course of which the boy testified that he preferred to remain with his mother because his stepfather was at home more than his father and he liked him better. Mrs. Pope said she would raise the boy as she pleased and that she would see her son's good rather than with his father and objected because he was teaching the boy to grow up as a criminal.

The referee decided that the natural situation should be controlling and that is for the boy to remain with his mother.

MR. ROTHSCHILD LEFT \$119,247. Few in Temple Put Down at \$2,700, but Might Not Sell for Anything.

The appraisal of the estate of Victor Henry Rothschild, who died at 4 East Sixty-seventh street on May 15, 1911, shows that he left a gross estate of \$119,247. He was the father-in-law of Solomon R. Guggenheim, and his estate included eighty-nine shares of Guggenheim Exploration stock, appraised at \$16,210.

Mr. Rothschild's pew in Temple Beth-El is appraised at \$2,700, although an affidavit in the proceedings says that no pews have been sold in the synagogue for many years, because they generally go to the heirs of the holders, and for that reason it is doubtful whether the pew will bring anything if sold on sale.

The \$119,247 estate of \$43,000 is left to Mrs. Rothschild and she is requested to make gifts to Mount Sinai Hospital and the Montefiore Home, in which her husband was interested.

New Candidate in Montclair. Councilman Walter Kilde of Montclair has decided to be an independent candidate for Mayor of Montclair at the November election and a petition is being circulated to have his name placed on the ballot. The entrance of a new candidate has complicated the political situation.

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